Supreme Court, U.S.
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No. 01-364

In The

Supreme Court of the United States

DAVID MERMELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI

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SUPPLEMENTAL PETITION FOR WRIT OF CERTIORARI (NOTING RELATED PETITIONS FILED BY CODEFENDANTS ISRAEL AND AZAGRA)

COMES NOW, the Petitioner, David Mermell, by and through his undersigned counsel and hereby respectfully supplements his petition noting the briefs in support of the petitions for *certiorari* filed by codefendants Israel and Azagra. In support thereto, the Defendant avers:

1. Codefendant Carlos Roberto Azagra filed a Petition for Writ of Certiorari on or about August 25, 2001, Supreme Court Case No. 01-6025. Moreover, upon best information and belief, codefendant Raul E. Israel filed a *pro se* Petition for Writ of Certiorari before this Honorable Court and has been provided with Supreme Court Case No. 00-9525.

2. The parties raise similar issues predicated upon circuit conflicts and this Honorable Court's decision in *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

3. This court, on occasion, has permitted parties the opportunity to adopt the brief of others. See *Ginsberg v. United States*, 382 U.S. 951 (Mem) (1965); A Book Named *"John Cleland's Memoirs of a Woman of Pleasure", J. Putnam and Sons v. Attorney General of the Commonwealth of Massachusetts*, 382 U.S. 921 (Mem) (1965) ("The motion of The American Parents Committee, Inc., and the Committee of Religious Leaders of the City of New York for leave to appear as amicus curiae and to adopt as their brief the briefs amicus curiae filed by the Citizens for Decent Literature, Inc., is granted."). While these issues are somewhat similar and because they arise from the same

case, the Petitioner seeks to supplement his brief with this information.

WHEREFORE, the Petitioner respectfully files this his supplement to the request for certiorari review.

Respectfully submitted,

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